



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,921	11/15/2001	Murray L. Finebaum	1500/2	8945
27774 7590 03/24/2008 MAYER & WILLIAMS PC 251 NORTH AVENUE WEST 2ND FLOOR WESTFIELD, NJ 07090				
EXAMINER				
DASS, HARISH T				
ART UNIT		PAPER NUMBER		
3692				
MAIL DATE		DELIVERY MODE		
03/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/001,921

Applicant(s)

FINEBAUM ET AL.

Examiner

Harish T. Dass

Art Unit

3692

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-42 and 55-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-42 and 55-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 9/18/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to Applicant's amendment.

Status of Claims:

Claims 1-39 and 43-54 are canceled.

Claims 40-42 and 55-61 are pending.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 40-42, 55-56, 58-59 and 61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 40, 58 and 61 "a user" is not clear, the trader is a user too.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 40-42 and 55-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCausland et al. (hereinafter McCausland - US 5,243,331) in view of Lawrence (US 5,915,209) and Jain et al. (hereinafter Jain US 6,343,278).

McCausland discloses enabling a trader to submit an order completely anonymously [see entire document- particularly col. 1 line 47 to col. 2 line 30; col. 1 lines 35-65 also see "primary dealers ... each other anonymously; col. 2 lines 5-20 "match a previous offer ..."], and matching buy orders to sell orders using a price/time priority [col. 2 lines 50-65]; displaying a trading order including a plurality of data fields [McCausland - col. 21 lines 45-65 fields]; submitting a trading order when completed by a user on one side of a prospective trade (bid or offer) for one of the plurality of debt instruments [McCausland - col. 23 lines 59-60 - send]; displaying all received trading orders forwarded from a controller for broadcast; and submitting a completed trading order to a central controller under control of a user [McCausland - col. 23 lines 59-60 - send; trader is a user too]; and completing automatically a trading order upon selection by a user of a particular bid or offer being displayed by the client application [inherent in McCausland].

McCausland does not explicitly disclose enabling a user to **submit** an order and control an amount of the order that is disclosed to other traders; authorizing broadcast of at least part of the trading order to all of the plurality of traders; forwarding all trading

orders authorized for broadcast to each of the plurality of computers without disclosing an identity of each trader associated with each trading order being broadcast.

However, Lawrence discloses authorizing broadcast of at least part of the trading order to all of the plurality of traders; forwarding all trading orders authorized for broadcast to each of the plurality of computers without disclosing an identity of each trader associated with each trading order being broadcast [Lawrence US 5915209 ; Abstract; col. 3 lines 55-61; col. 5 lines 30-32; col. 8 lines 3-8; col. 16 lines 22-30]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of McCausland and include the above features disclosed by Lawrence to enable rapid distribution and positing of lots to wide base of customer automatically.

Jain discloses enabling a user to submit an order and control an amount of the order that is disclosed to other traders [Figure 1; col. 1 lines 12-38; col. 11 lines 34-57 – see “amount actually available in the market may be only a fraction of what is shown on his display”]. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the disclosure of McCausland and Lawrence and include enabling a user to submit an order and control an amount of the order that is disclosed to other traders, as disclosed by Jain to control the price of security and avoid having a negative impact on the market price of the security.

Re. Claim 41, McCausland discloses wherein the plurality of different types of bond instruments include one or more of the following: high-yield bonds, corporate bonds,

emerging market bonds, convertible bonds, derivative instruments comprised of bonds, and municipal bonds [col. 2 lines 50-65; col. 3 lines 7-20; col. 4 lines 16-22; see "government securities ... notes"; col. 22 lines 40 to col. 23 lines 10 "multi-order trader and automatic bid or offer"].

Re. Claim 42, McCausland discloses the order for the issue selected is displayed in a small window on the trader's page and change a price, the trader can tick the price up and down (updating), and reporting every executed trade to all users in a scrolling ticker continually updated in each user's graphical user interface (window), there being one scrolling ticker for each bond instrument type [see Figures 1-2 and associated descriptions].

Re. Claims 55-56, McCausland discloses creating an audit trail for each order that includes creating an immutable record of every order modification [col. 13 lines 59-67; col. 21 lines 45-50], and wherein creating an immutable record includes tracing each order that was changed, recording when each order was changed, and recording the value of the order before and after the change [col. 13 lines 59-67; col. 21 lines 45-50].

Claims 57- 61 are rejected with same rational as claims 40-42 and 55-56 above.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR ' 1.111 (c) to consider the references fully when responding to this action.

US 2002/0099647 (Howorka et al.) discloses a computer trading system for providing an electronic broking service for tradable instruments such as spot FX and other financial instruments including but not limited to FRA's interest rate swaps, money markets, options, metals, call money, government bonds and other short term interest rate instruments. In particular, the invention relates to a computer trading system

having a plurality of trader terminals connected to a network for submission and matching of bids, offers, buy and sell orders.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harish T Dass
Primary Examiner
Art Unit 3692

/Harish T Dass/
Primary Examiner, Art Unit 3692